

**House Study Bill 220 - Introduced**

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON BLOOMINGDALE)

**A BILL FOR**

1 An Act establishing the dentist and dental hygienist compact.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 147G.1 Dentist and dental hygienist  
2 compact.

3 1. *Title and purpose.* This chapter shall be known and cited  
4 as the dentist and dental hygienist compact. The purposes  
5 of this compact are to facilitate the interstate practice of  
6 dentistry and dental hygiene and improve public access to  
7 dentistry and dental hygiene services by providing dentists  
8 and dental hygienists licensed in a participating state the  
9 ability to practice in participating states in which they are  
10 not licensed. The compact does this by establishing a pathway  
11 for dentists and dental hygienists licensed in a participating  
12 state to obtain a compact privilege that authorizes them to  
13 practice in another participating state in which they are not  
14 licensed. The compact enables participating states to protect  
15 the public health and safety with respect to the practice  
16 of such dentists and dental hygienists through the state's  
17 authority to regulate the practice of dentistry and dental  
18 hygiene in the state. The compact:

19 a. Enables dentists and dental hygienists who qualify for  
20 a compact privilege to practice in other participating states  
21 without satisfying burdensome and duplicative requirements  
22 associated with securing a license to practice in those states.

23 b. Promotes mobility and addresses workforce shortages  
24 through each participating state's acceptance of a compact  
25 privilege to practice in that state.

26 c. Increases public access to qualified, licensed dentists  
27 and dental hygienists by creating a responsible, streamlined  
28 pathway for licensees to practice in participating states.

29 d. Enhances the ability of participating states to protect  
30 the public's health and safety.

31 e. Does not interfere with licensure requirements  
32 established by a participating state.

33 f. Facilitates the sharing of licensure and disciplinary  
34 information among participating states.

35 g. Requires dentists and dental hygienists who practice in a

1 participating state pursuant to a compact privilege to practice  
2 within the scope of practice authorized in that state.

3 *h.* Extends the authority of a participating state to  
4 regulate the practice of dentistry and dental hygiene within  
5 its borders to dentists and dental hygienists who practice in  
6 the state through a compact privilege.

7 *i.* Promotes the cooperation of participating states in  
8 regulating the practice of dentistry and dental hygiene within  
9 those states.

10 *j.* Facilitates the relocation of military members and  
11 their spouses who are licensed to practice dentistry or dental  
12 hygiene.

13 2. *Definitions.* As used in this compact, unless the context  
14 requires otherwise, the following definitions shall apply:

15 *a.* "*Active duty military*" means an individual in full-time  
16 duty status in the active uniformed service of the United  
17 States, including members of the national guard and reserve.

18 *b.* "*Adverse action*" means any disciplinary action or  
19 encumbrance imposed on a licensee or compact privilege by a  
20 state licensing authority.

21 *c.* "*Alternative program*" means a nondisciplinary monitoring  
22 or practice remediation process applicable to a dentist or  
23 dental hygienist approved by a state licensing authority of a  
24 participating state in which the dentist or dental hygienist is  
25 licensed. "*Alternative program*" includes but is not limited to  
26 programs to which licensees with substance abuse or addiction  
27 issues are referred in lieu of adverse action.

28 *d.* "*Clinical assessment*" means an examination or process,  
29 required for licensure as a dentist or dental hygienist as  
30 applicable, that provides evidence of clinical competence in  
31 dentistry or dental hygiene.

32 *e.* "*Commissioner*" means the individual appointed by a  
33 participating state to serve as the member of the commission  
34 for that participating state.

35 *f.* "*Compact*" means this dental and dental hygienist compact.

- 1     *g. "Compact privilege"* means the authorization granted by a  
2 remote state to allow a licensee from a participating state to  
3 practice as a dentist or dental hygienist in a remote state.
- 4     *h. "Continuing professional development"* means a requirement  
5 as a condition of license renewal to provide evidence of  
6 successful participation in educational or professional  
7 activities relevant to practice or area of work.
- 8     *i. "Criminal background check"* means the submission of  
9 fingerprints or other biometric-based information for a license  
10 applicant for the purpose of obtaining the applicant's criminal  
11 history record information, as defined in 28 C.F.R. §20.3(d)  
12 from the federal bureau of investigation and the state's  
13 criminal history record repository as defined in 28 C.F.R.  
14 §20.3(f).
- 15     *j. "Data system"* means the commission's repository of  
16 information about licensees, including but not limited to  
17 examinations, licensure, investigative information, compact  
18 privileges, adverse actions, and alternative programs.
- 19     *k. "Dental hygienist"* means an individual who is licensed by  
20 a state licensing authority to practice dental hygiene.
- 21     *l. "Dentist"* means an individual who is licensed by a state  
22 licensing authority to practice dentistry.
- 23     *m. "Dentist and dental hygienist compact commission" or*  
24 *"commission"* means a joint government agency established by this  
25 compact comprised of each state that has enacted the compact  
26 and a national administrative body comprised of a commissioner  
27 from each state that has enacted the compact.
- 28     *n. "Encumbered license"* means a license that a state  
29 licensing authority has limited in any way other than through  
30 an alternative program.
- 31     *o. "Executive board"* means the chair, vice chair, secretary,  
32 and treasurer, and any other commissioners as may be determined  
33 by commission rule or bylaw.
- 34     *p. "Jurisprudence requirement"* means the assessment of an  
35 individual's knowledge of the laws and rules governing the

1 practice of dentistry or dental hygiene, as applicable, in a  
2 state.

3 *q. "License"* means current authorization by a state, other  
4 than authorization pursuant to a compact privilege, or other  
5 privilege, for an individual to practice as a dentist or dental  
6 hygienist in that state.

7 *r. "Licensee"* means an individual who holds an unrestricted  
8 license from a participating state to practice as a dentist or  
9 dental hygienist in that state.

10 *s. "Model compact"* means the model for the dentist and  
11 dental hygienist compact on file with the council of state  
12 governments or other entity as designated by the commission.

13 *t. "Participating state"* means a state that has enacted the  
14 compact and been admitted to the commission in accordance with  
15 the provisions of the compact and commission rules.

16 *u. "Qualifying license"* means a license that is not an  
17 encumbered license issued by a participating state to practice  
18 dentistry or dental hygiene.

19 *v. "Remote state"* means a participating state where a  
20 licensee who is not licensed as a dentist or dental hygienist  
21 is exercising or seeking to exercise the compact privilege.

22 *w. "Rule"* means a regulation promulgated by an entity that  
23 has the force of law.

24 *x. "Scope of practice"* means the procedures, actions, and  
25 processes a dentist or dental hygienist licensed in a state  
26 is permitted to undertake in that state and the circumstances  
27 under which the licensee is permitted to undertake those  
28 procedures, actions, and processes. Such procedures, actions,  
29 and processes and the circumstances under which they may  
30 be established through means, including but not limited to  
31 statutes, regulations, case law, and other processes available  
32 to the state licensing authority or other government agency.

33 *y. "Significant investigative information"* means information,  
34 records, and documents received or generated by a state  
35 licensing authority pursuant to an investigation for which a

1 determination has been made that there is probable cause to  
2 believe that the licensee has violated a statute or regulation  
3 that is considered more than a minor infraction for which  
4 the state licensing authority could pursue an adverse action  
5 against the licensee.

6 *z.* "State" means a state, commonwealth, district, or  
7 territory of the United States that regulates the practices of  
8 dentistry and dental hygiene.

9 *aa.* "State licensing authority" means an agency or other  
10 entity of a state that is responsible for the licensing and  
11 regulation of dentists or dental hygienists.

12 3. *State participation in the compact.*

13 *a.* In order to join the compact and thereafter continue as a  
14 participating state, a state must do all of the following:

15 (1) Enact a compact that is not materially different from  
16 the model compact, as determined in accordance with commission  
17 rules.

18 (2) Participate fully in the commission's data system.

19 (3) Have a mechanism in place for receiving and  
20 investigating complaints about its licensees and license  
21 applicants.

22 (4) Notify the commission, in compliance with the terms of  
23 the compact and commission rules, of any adverse action or the  
24 availability of significant investigative information regarding  
25 a licensee or license applicant.

26 (5) Fully implement a criminal background check  
27 requirement, within a time frame established by commission  
28 rule, by receiving the results of a qualifying criminal  
29 background check.

30 (6) Comply with commission rules applicable to a  
31 participating state.

32 (7) Accept the national board examinations of the joint  
33 commission on national dental examinations or another  
34 examination accepted by commission rule as a licensure  
35 examination.

1 (8) Accept for licensure that applicants for a dentist  
2 license graduate from a predoctoral dental education program  
3 accredited by the commission on dental accreditation or another  
4 agency permitted by commission rule, leading to the doctor of  
5 dental surgery or doctor of dental medicine degree.

6 (9) Accept for licensure that applicants for a dental  
7 hygienist license graduate from a dental hygiene program  
8 accredited by the commission on dental accreditation or another  
9 agency permitted by commission rule.

10 (10) Require for licensure that applicants successfully  
11 complete a clinical assessment.

12 (11) Have continuing professional development requirements  
13 as a condition for license renewal.

14 (12) Pay a participation fee to the commission as  
15 established by commission rule.

16 *b.* Providing alternative pathways for an individual to  
17 obtain an unrestricted license does not disqualify a state from  
18 participating in the compact.

19 *c.* When conducting a criminal background check the state  
20 licensing authority shall do all of the following:

21 (1) Consider that information in making a licensure  
22 decision.

23 (2) Maintain documentation of the criminal background check  
24 and background check information to the extent allowed by state  
25 and federal law.

26 (3) Report to the commission whether a state has completed  
27 the criminal background check and whether the individual was  
28 granted or denied a license.

29 *d.* A licensee of a participating state who has a qualifying  
30 license in that state and does not hold an encumbered license  
31 in any other participating state shall be issued a compact  
32 privilege in a remote state in accordance with the terms of  
33 the compact and commission rules. If a remote state has a  
34 jurisprudence requirement, a compact privilege will not be  
35 issued to the licensee unless the licensee has satisfied the

1 jurisprudence requirement.

2 4. *Compact privilege.*

3 a. To obtain and exercise the compact privilege under the  
4 terms and provisions of the compact, a licensee shall do all  
5 of the following:

6 (1) Have a qualifying license as a dentist or dental  
7 hygienist in a participating state.

8 (2) Be eligible for a compact privilege in any remote state  
9 in accordance with paragraphs "d", "g", and "h".

10 (3) Submit to an application process whenever the licensee  
11 is seeking a compact privilege.

12 (4) Pay any applicable commission and remote state fees for  
13 a compact privilege in the remote state.

14 (5) Meet any jurisprudence requirement established by  
15 a remote state in which the licensee is seeking a compact  
16 privilege.

17 (6) Have passed a national board examination of the  
18 joint commission on national dental examinations or another  
19 examination accepted by commission rule.

20 (7) For a dentist, have graduated from a predoctoral dental  
21 education program accredited by the commission on dental  
22 accreditation, or another accrediting agency recognized by the  
23 United States department of education for the accreditation of  
24 dentistry and dental hygiene education programs, leading to the  
25 doctor of dental surgery or doctor of dental medicine degree.

26 (8) For a dental hygienist, have graduated from a dental  
27 hygiene education program accredited by the commission  
28 on dental accreditation or another accrediting agency  
29 recognized by the United States department of education for  
30 the accreditation of dentistry and dental hygiene education  
31 programs.

32 (9) Have successfully completed a clinical assessment for  
33 licensure.

34 (10) Report to the commission any adverse action taken  
35 by any nonparticipating state when applying for a compact

1 privilege and otherwise within thirty days from the date the  
2 adverse action is taken.

3 (11) Report to the commission when applying for a compact  
4 privilege the address of the licensee's primary residence and  
5 thereafter immediately report to the commission any change in  
6 the address of the licensee's primary residence.

7 (12) Consent to accept service of process by mail at the  
8 licensee's primary residence on record with the commission  
9 with respect to any action brought against the licensee  
10 by the commission or a participating state, and consent to  
11 accept service of a subpoena by mail at the licensee's primary  
12 residence on record with the commission with respect to any  
13 action brought or investigation conducted by the commission or  
14 a participating state.

15 *b.* The licensee must comply with the requirements in  
16 paragraph "a" to maintain the compact privilege in the remote  
17 state. If those requirements are met, the compact privilege  
18 will continue as long as the licensee maintains a qualifying  
19 license in the state through which the licensee applied for the  
20 compact privilege and pays any applicable compact privilege  
21 renewal fees.

22 *c.* A licensee providing dentistry or dental hygiene in a  
23 remote state under the compact privilege shall function within  
24 the scope of practice authorized by the remote state for a  
25 dentist or dental hygienist licensed in that state.

26 *d.* A licensee providing dentistry or dental hygiene  
27 pursuant to a compact privilege in a remote state is subject  
28 to that state's regulatory authority. A remote state may, in  
29 accordance with due process and that state's laws, by adverse  
30 action revoke or remove a licensee's compact privilege in the  
31 remote state for a specific period of time, impose fines,  
32 or take any other necessary actions to protect the health  
33 and safety of its citizens. If a remote state imposes an  
34 adverse action against a compact privilege that limits the  
35 compact privilege, that adverse action applies to all compact

1 privileges in all remote states. A licensee whose compact  
2 privilege in a remote state is removed for a specified period  
3 of time is not eligible for a compact privilege in any other  
4 remote state until the specific time for removal of the compact  
5 privilege has passed and all encumbrance requirements are  
6 satisfied.

7 e. If a license in a participating state is an encumbered  
8 license, the licensee shall lose the compact privilege in a  
9 remote state and shall not be eligible for a compact privilege  
10 in any remote state until the license is no longer encumbered.

11 f. Once an encumbered license in a participating state  
12 is restored to good standing, the licensee must meet the  
13 requirements of paragraph "a" to obtain a compact privilege in a  
14 remote state.

15 g. If a licensee's compact privilege in a remote state is  
16 removed by the remote state, the individual shall lose or be  
17 ineligible for the compact privilege in any remote state until  
18 both of the following occur:

19 (1) The specified period of time for which the compact  
20 privilege was removed has ended.

21 (2) All conditions for removal of the compact privilege have  
22 been satisfied.

23 h. Once the requirements of paragraph "g" have been met, the  
24 licensee must meet the requirements of paragraph "a" to obtain a  
25 compact privilege in a remote state.

26 5. *Adverse actions.*

27 a. A participating state in which a licensee is licensed  
28 shall have exclusive authority to impose adverse action against  
29 the qualifying license issued by that participating state.

30 b. A participating state may take adverse action based on  
31 significant investigative information of a remote state, so  
32 long as the participating state follows its own procedures for  
33 imposing adverse action.

34 c. Nothing in this compact shall override a participating  
35 state's decision that participation in an alternative

1 program may be used in lieu of adverse action and that  
2 such participation shall remain nonpublic if required by  
3 the participating state's laws. Participating states must  
4 require licensees who enter any alternative program in lieu  
5 of discipline to agree not to practice pursuant to a compact  
6 privilege in any other participating state during the term of  
7 the alternative program without prior authorization from such  
8 other participating state.

9 *d.* Any participating state in which a licensee is applying  
10 to practice or is practicing pursuant to a compact privilege  
11 may investigate actual or alleged violations of the statutes  
12 and regulations authorizing the practice of dentistry or dental  
13 hygiene in any other participating state in which the dentist  
14 or dental hygienist holds a license or compact privilege.

15 *e.* A remote state shall have the authority to do all of the  
16 following:

17 (1) Take adverse actions as set forth in subsection 4,  
18 paragraph "d", against a licensee's compact privilege in the  
19 state.

20 (2) In furtherance of its rights and responsibilities  
21 under the compact and commission's rules, issue subpoenas  
22 for both hearings and investigations that require the  
23 attendance and testimony of witnesses and the production of  
24 evidence. Subpoenas issued by a state licensing authority  
25 in a participating state for the attendance and testimony  
26 of witnesses, or the production of evidence from another  
27 participating state, shall be enforced in the latter state by  
28 any court of competent jurisdiction according to the practice  
29 and procedure of that court applicable to subpoenas issued in  
30 proceedings pending before it. The issuing authority shall  
31 pay any witness fees, travel expenses, mileage, and other  
32 fees required by the service statutes of the state where the  
33 witnesses or evidence are located.

34 (3) If otherwise permitted by state law, recover from the  
35 licensee the costs of investigation and disposition of cases

1 resulting from any adverse action taken against that licensee.

2 *f. Joint investigations.*

3 (1) In addition to the authority granted to a participating  
4 state by its dentist or dental hygienist licensure act or  
5 other applicable state law, a participating state may jointly  
6 investigate licensees with other participating states.

7 (2) Participating states shall share any significant  
8 investigative information, litigation, or compliance materials  
9 in furtherance of any joint or individual investigation  
10 initiated under the compact.

11 *g. Authority to continue investigation.*

12 (1) After a licensee's compact privilege in a remote state  
13 is terminated, the remote state may continue an investigation  
14 of the licensee that began when the licensee had a compact  
15 privilege in that remote state.

16 (2) If the investigation yields what would be significant  
17 investigative information had the licensee continued to have a  
18 compact privilege in that remote state, the remote state shall  
19 report the presence of such information to the data system as  
20 required by subsection 7, paragraph "b", subparagraph (6), as if  
21 it was significant investigative information.

22 *6. Establishment and operation of the commission.*

23 *a.* The compact participating states hereby create and  
24 establish a joint government agency whose membership consists  
25 of all participating states that have enacted the compact.  
26 The commission is an instrumentality of the participating  
27 states acting jointly and not an instrumentality of any one  
28 state. The commission shall come into existence on or after  
29 the effective date of the compact as set forth in subsection  
30 10, paragraph "a".

31 *b. Participation, voting, and meetings.*

32 (1) Each participating state shall have and be limited  
33 to one commissioner selected by the participating state's  
34 state licensing authority or, if the state has more than one  
35 state licensing authority, selected collectively by the state

1 licensing authorities.

2 (2) The commissioner shall be a member or designee of such  
3 authority or authorities.

4 (3) The commission may by rule or bylaw establish a term  
5 of office for commissioners and may by rule or bylaw establish  
6 term limits.

7 (4) The commission may recommend to a state licensing  
8 authority or authorities, as applicable, removal or suspension  
9 of an individual as the state's commissioner.

10 (5) A participating state's state licensing authority  
11 or authorities, as applicable, shall fill any vacancy of  
12 its commissioner on the commission within sixty days of the  
13 vacancy.

14 (6) Each commissioner shall be entitled to one vote on all  
15 matters that are voted upon by the commission.

16 (7) The commission shall meet at least once during each  
17 calendar year. Additional meetings may be held as set forth  
18 in the bylaws. The commission may meet by telecommunication,  
19 video conference, or other similar electronic means.

20 c. The commission shall have the following powers:

21 (1) Establish the fiscal year of the commission.

22 (2) Establish a code of conduct and conflict of interest  
23 policies.

24 (3) Adopt rules and bylaws.

25 (4) Maintain its financial records in accordance with the  
26 bylaws.

27 (5) Meet and take such actions as are consistent with the  
28 provisions of this compact, the commission's rules, and the  
29 bylaws.

30 (6) Initiate and conclude legal proceedings or actions in  
31 the name of the commission, provided that the standing of a  
32 state licensing authority to sue or be sued under applicable  
33 law shall not be affected.

34 (7) Maintain and certify records and information provided  
35 to a participating state as the authenticated business records

1 of the commission, and designate a person to do so on the  
2 commission's behalf.

3 (8) Purchase and maintain insurance and bonds.

4 (9) Borrow, accept, or contract for services of personnel,  
5 including but not limited to employees of a participating  
6 state.

7 (10) Conduct an annual financial review.

8 (11) Hire employees, elect or appoint officers, fix  
9 compensation, define duties, grant such individuals appropriate  
10 authority to carry out the purposes of the compact, and  
11 establish the commission's personnel policies and programs  
12 relating to conflicts of interest, qualifications of personnel,  
13 and other related personnel matters.

14 (12) As set forth in the commission rules, charge a fee to  
15 a licensee for the grant of a compact privilege in a remote  
16 state and thereafter, as may be established by commission  
17 rule, charge the licensee a compact privilege renewal fee  
18 for each renewal period in which that licensee exercises or  
19 intends to exercise the compact privilege in that remote state.  
20 Nothing herein shall be construed to prevent a remote state  
21 from charging a licensee a fee for a compact privilege or  
22 renewals of a compact privilege, or a fee for the jurisprudence  
23 requirement if the remote state imposes such a requirement for  
24 the grant of a compact privilege.

25 (13) Accept any and all appropriate gifts, donations,  
26 grants of money, other sources of revenue, equipment, supplies,  
27 materials, and services, and receive, utilize, and dispose of  
28 the same, provided that at all times the commission shall avoid  
29 any appearance of impropriety or conflict of interest.

30 (14) Lease, purchase, retain, own, hold, improve, or use any  
31 property, real, personal, or mixed, or any undivided interest  
32 therein.

33 (15) Sell, convey, mortgage, pledge, lease, exchange,  
34 abandon, or otherwise dispose of any property, real, personal,  
35 or mixed.

1 (16) Establish a budget or make expenditures.

2 (17) Borrow money.

3 (18) Appoint committees, including standing committees,  
4 which may be composed of members, state regulators,  
5 state legislators or their representatives, and consumer  
6 representatives, and such other interested persons as may be  
7 designated in this compact and the bylaws.

8 (19) Provide and receive information from, and cooperate  
9 with, law enforcement agencies.

10 (20) Elect a chair, vice chair, secretary, and treasurer,  
11 and such other officers of the commission as provided in the  
12 commission's bylaws.

13 (21) Establish and elect an executive board.

14 (22) Adopt and provide to the participating states an annual  
15 report.

16 (23) Determine whether a state's enacted compact is  
17 materially different from the model compact language such that  
18 the state would not qualify for participation in the compact.

19 (24) Perform such other functions as may be necessary or  
20 appropriate to achieve the purposes of this compact.

21 *d. Meetings of the commission.*

22 (1) All meetings of the commission that are not closed  
23 pursuant to this paragraph shall be open to the public. Notice  
24 of public meetings shall be posted on the commission's internet  
25 site at least thirty days prior to the public meeting.

26 (2) Notwithstanding subparagraph (1), the commission may  
27 convene an emergency public meeting by providing at least  
28 twenty-four hours prior notice on the commission's internet  
29 site, and any other means as provided in the commission's  
30 rules, for any of the reasons it may dispense with notice  
31 of proposed rulemaking under subsection 8, paragraph "1".

32 The commission's legal counsel shall certify that one of the  
33 reasons justifying an emergency public meeting has been met.

34 (3) Notice of all commission meetings shall provide the  
35 time, date, and location of the meeting, and if the meeting

1 is to be held or accessible via telecommunication, video  
2 conference, or other electronic means, the notice shall include  
3 the mechanism for access to the meeting through such means.

4 (4) The commission may convene in a closed, nonpublic  
5 meeting for the commission to receive legal advice or to  
6 discuss any of the following:

7 (a) Noncompliance of a participating state with its  
8 obligations under the compact.

9 (b) The employment, compensation, discipline, or other  
10 matters, practices, or procedures related to specific employees  
11 or other matters related to the commission's internal personnel  
12 practices and procedures.

13 (c) Current or threatened discipline of a licensee  
14 or compact privilege holder by the commission or by a  
15 participating state's licensing authority.

16 (d) Current, threatened, or reasonably anticipated  
17 litigation.

18 (e) Negotiation of contracts for the purchase, lease, or  
19 sale of goods, services, or real estate.

20 (f) Accusing any person of a crime or formally censuring any  
21 person.

22 (g) Trade secrets or commercial or financial information  
23 that is privileged or confidential.

24 (h) Information of a personal nature where disclosure would  
25 constitute a clearly unwarranted invasion of personal privacy.

26 (i) Investigative records compiled for law enforcement  
27 purposes.

28 (j) Information related to any investigative reports  
29 prepared by or on behalf of or for use of the commission or  
30 other committee charged with responsibility of investigation or  
31 determination of compliance issues pursuant to the compact.

32 (k) Legal advice.

33 (l) Matters specifically exempted from disclosure to the  
34 public by federal or participating state law.

35 (m) Other matters as promulgated by the commission by rule.

1 (5) If a meeting, or portion of a meeting, is closed, the  
2 presiding officer shall state that the meeting will be closed  
3 and reference each relevant exempting provision, and such  
4 reference shall be recorded in the minutes.

5 (6) The commission shall keep minutes that fully and clearly  
6 describe all matters discussed in a meeting and shall provide  
7 a full and accurate summary of actions taken, and the reasons  
8 therefore, including a description of the views expressed.  
9 All documents considered in connection with an action shall  
10 be identified in such minutes. All minutes and documents of  
11 a closed meeting shall remain under seal, subject to release  
12 only by a majority vote of the commission or order of a court of  
13 competent jurisdiction.

14 *e. Financing of the commission.*

15 (1) The commission shall pay or provide for the payment of  
16 the reasonable expenses of its establishment, organization, and  
17 ongoing activities.

18 (2) The commission may accept any and all appropriate  
19 sources of revenue, donations, and grants of money, equipment,  
20 supplies, materials, and services.

21 (3) The commission may levy on and collect an annual  
22 assessment from each participating state and impose fees on  
23 licensees of participating states when a compact privilege is  
24 granted to cover the cost of the operations and activities  
25 of the commission and its staff, which must be in a total  
26 amount sufficient to cover its annual budget as approved each  
27 fiscal year for which sufficient revenue is not provided by  
28 other sources. The aggregate annual assessment amount for  
29 participating states shall be allocated based upon a formula  
30 that the commission shall promulgate by rule.

31 (4) The commission shall not incur obligations of any kind  
32 prior to securing the funds adequate to meet the same, nor  
33 shall the commission pledge the credit of any participating  
34 state, except by and with the authority of the participating  
35 state.

1 (5) The commission shall keep accurate accounts of all  
2 receipts and disbursements. The receipts and disbursements  
3 of the commission shall be subject to the financial review  
4 and accounting procedures established under its bylaws. All  
5 receipts and disbursements of funds handled by the commission  
6 shall be subject to an annual financial review by a certified  
7 or licensed public accountant, and the report of the financial  
8 review shall be included in and become part of the annual  
9 report of the commission.

10 *f. The executive board.*

11 (1) The executive board shall have the power to act on  
12 behalf of the commission according to the terms of this  
13 compact. The powers, duties, and responsibilities of the  
14 executive board shall include all of the following:

15 (a) Overseeing the day-to-day activities of the  
16 administration of the compact including compliance with the  
17 provisions of the compact, the commission's rules, and bylaws.

18 (b) Recommending to the commission changes to the rules or  
19 bylaws, changes to this compact legislation, fees charged to  
20 the compact participating states, fees charged to licensees,  
21 and other fees.

22 (c) Ensuring compact administration services are  
23 appropriately provided, including by contract.

24 (d) Preparing and recommending the budget.

25 (e) Maintaining financial records on behalf of the  
26 commission.

27 (f) Monitoring compact compliance of participating states  
28 and providing compliance reports to the commission.

29 (g) Establishing additional committees as necessary.

30 (h) Exercising the powers and duties of the commission  
31 during the interim between commission meetings, except for  
32 adopting or amending rules, adopting or amending bylaws, and  
33 exercising any other powers and duties expressly reserved to  
34 the commission by rule or bylaw.

35 (i) Other duties as provided in the rules or bylaws of the

1 commission.

2 (2) The executive board shall be composed of up to seven  
3 members:

4 (a) The chair, vice chair, secretary, and treasurer of the  
5 commission, and any other members of the commission who serve  
6 on the executive board shall be voting members of the executive  
7 board.

8 (b) Other than the chair, vice chair, secretary, and  
9 treasurer of the commission, the commission may elect up  
10 to three voting members from the current membership of the  
11 commission.

12 (3) The commission may remove any member of the executive  
13 board as provided in the commission's bylaws.

14 (4) The executive board shall meet at least annually.

15 (a) An executive board meeting at which it takes or intends  
16 to take formal action on a matter shall be open to the public,  
17 except that the executive board may meet in a closed, nonpublic  
18 session of a public meeting when dealing with any of the  
19 matters covered under paragraph "d", subparagraph (4).

20 (b) The executive board shall give five business days'  
21 notice of its public meetings, posted on its internet site and  
22 as it may otherwise determine to provide notice to persons with  
23 an interest in the public matters the executive board intends  
24 to address at those meetings.

25 (5) The executive board may hold an emergency meeting when  
26 acting for the commission to do any of the following:

27 (a) Meet an imminent threat to public health, safety, or  
28 welfare.

29 (b) Prevent a loss of commission or participating state  
30 funds.

31 (c) Protect public health and safety.

32 *g. Qualified immunity, defense, and indemnification.*

33 (1) The members, officers, executive director, employees,  
34 and representatives of the commission shall be immune from suit  
35 and liability, both personally and in their official capacity,

1 for any claim for damage to or loss of property or personal  
2 injury or other civil liability caused by or arising out of any  
3 actual or alleged act, error, or omission that occurred, or  
4 that the person against whom the claim is made had a reasonable  
5 basis for believing occurred within the scope of commission  
6 employment, duties, or responsibilities; provided that nothing  
7 in this paragraph shall be construed to protect any such  
8 person from suit or liability for any damage, loss, injury,  
9 or liability caused by the intentional, willful, or wanton  
10 misconduct of that person. The procurement of insurance of any  
11 type by the commission shall not in any way compromise or limit  
12 the immunity granted hereunder.

13 (2) The commission shall defend any member, officer,  
14 executive director, employee, and representative of the  
15 commission in any civil action seeking to impose liability  
16 arising out of any actual or alleged act, error, or omission  
17 that occurred within the scope of commission employment,  
18 duties, or responsibilities, or as determined by the commission  
19 that the person against whom the claim is made had a reasonable  
20 basis for believing occurred within the scope of commission  
21 employment, duties, or responsibilities; provided that nothing  
22 in this paragraph shall be construed to prohibit that person  
23 from retaining counsel at that person's own expense; and  
24 provided further that the actual or alleged act, error,  
25 or omission did not result from that person's intentional,  
26 willful, or wanton misconduct.

27 (3) Notwithstanding subparagraph (1), should any member,  
28 officer, executive director, employee, or representative of the  
29 commission be held liable for the amount of any settlement or  
30 judgment arising out of any actual or alleged act, error, or  
31 omission that occurred within the scope of that individual's  
32 employment, duties, or responsibilities for the commission,  
33 or that the person to whom the individual is liable had a  
34 reasonable basis for believing occurred within the scope of  
35 the individual's employment, duties, or responsibilities

1 for the commission, the commission shall indemnify and hold  
2 harmless such individual, provided that the actual or alleged  
3 act, error, or omission did not result from the intentional,  
4 willful, or wanton misconduct of the individual.

5 (4) Nothing in this compact shall be construed as a  
6 limitation on the liability of any licensee for professional  
7 malpractice or misconduct, which shall be governed solely by  
8 any other applicable state laws.

9 (5) Nothing in this compact shall be interpreted to waive  
10 or otherwise abrogate a participating state's state action  
11 immunity or state action affirmative defense with respect to  
12 antitrust claims under the Sherman Act, Clayton Act, or any  
13 other state or federal antitrust or anticompetitive law or  
14 regulation.

15 (6) Nothing in this compact shall be construed to be a  
16 waiver of sovereign immunity by the participating states or by  
17 the commission.

18 7. *Data system.*

19 a. The commission shall provide for the development,  
20 maintenance, operation, and utilization of a coordinated  
21 database and reporting system containing licensure, adverse  
22 action, and the presence of significant investigative  
23 information on all licensees and applicants for a license in  
24 participating states.

25 b. Notwithstanding any other provision of state law to the  
26 contrary, a participating state shall submit a uniform data  
27 set to the data system on all individuals to whom this compact  
28 is applicable as required by the rules of the commission,  
29 including all of the following:

30 (1) Identifying information.

31 (2) Licensure data.

32 (3) Adverse actions against a licensee, license applicant,  
33 or compact privilege, and information related thereto.

34 (4) Nonconfidential information related to alternative  
35 program participation, the beginning and ending dates of

1 such participation, and other information related to such  
2 participation.

3 (5) Any denial of an application for licensure and the  
4 reason for such denial, excluding the reporting of any criminal  
5 history record information where prohibited by law.

6 (6) The presence of significant investigative information.

7 (7) Other information that may facilitate the  
8 administration of this compact or the protection of the public,  
9 as determined by the rules of the commission.

10 c. The records and information provided to a participating  
11 state pursuant to this compact or through the data system,  
12 when certified by the commission or an agent thereof,  
13 shall constitute the authenticated business records of the  
14 commission, and shall be entitled to any associated hearsay  
15 exception in any relevant judicial, quasi-judicial, or  
16 administrative proceedings in a participating state.

17 d. Significant investigative information pertaining to a  
18 licensee in any participating state will only be available to  
19 other participating states.

20 e. It is the responsibility of the participating states  
21 to monitor the database to determine whether adverse action  
22 has been taken against a licensee or license applicant.  
23 Adverse action information pertaining to a licensee or license  
24 applicant in any participating state will be available to any  
25 other participating state.

26 f. Participating states contributing information to the data  
27 system may designate information that may not be shared with  
28 the public without the express permission of the contributing  
29 state.

30 g. Any information submitted to the data system that is  
31 subsequently expunged pursuant to federal law or the laws of  
32 the participating state contributing the information shall be  
33 removed from the data system.

34 8. *Rulemaking.*

35 a. The commission shall promulgate reasonable rules in

1 order to effectively and efficiently implement and administer  
2 the purposes and provisions of the compact. A commission rule  
3 shall be invalid and have no force or effect only if a court of  
4 competent jurisdiction holds that the rule is invalid because  
5 the commission exercised its rulemaking authority in a manner  
6 that is beyond the scope and purposes of the compact or the  
7 powers granted hereunder, or based upon another applicable  
8 standard of review.

9 *b.* The rules of the commission shall have the force of  
10 law in each participating state, provided however that where  
11 the rules of the commission conflict with the laws of the  
12 participating state that establish the participating state's  
13 scope of practice as held by a court of competent jurisdiction,  
14 the rules of the commission shall be ineffective in that state  
15 to the extent of the conflict.

16 *c.* The commission shall exercise its rulemaking powers  
17 pursuant to the criteria set forth in this section and the  
18 rules adopted thereunder. Rules shall become binding as of the  
19 date specified by the commission for each rule.

20 *d.* If a majority of the legislatures of the participating  
21 states rejects a commission rule or portion of a commission  
22 rule, by enactment of a statute or resolution in the same  
23 manner used to adopt the compact, within four years of the date  
24 of adoption of the rule, then such rule shall have no further  
25 force and effect in any participating state or to any state  
26 applying to participate in the compact.

27 *e.* Rules shall be adopted at a regular or special meeting  
28 of the commission.

29 *f.* Prior to adoption of a proposed rule, the commission  
30 shall hold a public hearing and allow persons to provide oral  
31 and written comments, data, facts, opinions, and arguments.

32 *g.* Prior to adoption of a proposed rule by the commission,  
33 and at least thirty days in advance of the meeting at which the  
34 commission will hold a public hearing on the proposed rule,  
35 the commission shall provide a notice of proposed rulemaking

1 as follows:

2 (1) On the internet site of the commission or other publicly  
3 accessible platform.

4 (2) To persons who have requested notice of the commission's  
5 notices of proposed rulemaking.

6 (3) In such other ways as the commission may by rule  
7 specify.

8 *h.* The notice of proposed rulemaking shall include all of  
9 the following:

10 (1) The time, date, and location of the public hearing at  
11 which the commission will hear public comments on the proposed  
12 rule and, if different, the time, date, and location of the  
13 meeting where the commission will consider and vote on the  
14 proposed rule.

15 (2) If the hearing is held via telecommunication, video  
16 conference, or other electronic means, the commission shall  
17 include the mechanism for access to the hearing in the notice  
18 of proposed rulemaking.

19 (3) The text of the proposed rule and the reason for the  
20 proposed rule.

21 (4) A request for comments on the proposed rule from any  
22 interested person.

23 (5) The manner in which interested persons may submit  
24 written comments.

25 *i.* All hearings will be recorded. A copy of the recording  
26 and all written comments and documents received by the  
27 commission in response to the proposed rule shall be available  
28 to the public.

29 *j.* Nothing in this subsection shall be construed as  
30 requiring a separate hearing on each commission rule. Rules  
31 may be grouped for convenience of the commission at hearings  
32 required by this section.

33 *k.* The commission shall, by a majority vote of all  
34 commissioners, take final action on the proposed rule based on  
35 the rulemaking record.

1 (1) The commission may adopt changes to the proposed rule  
2 provided the changes do not enlarge the original purposes of  
3 the proposed rule.

4 (2) The commission shall provide an explanation of the  
5 reasons for substantive changes made to the proposed rule as  
6 well as reasons for substantive changes not made that were  
7 recommended by commenters.

8 (3) The commission shall determine a reasonable effective  
9 date for the rule. Except for an emergency as provided in  
10 paragraph "1", the effective date of the rule shall be no sooner  
11 than thirty days after the commission issuing the notice that  
12 it adopted or amended the rule.

13 *l.* Upon determination that an emergency exists, the  
14 commission may consider and adopt an emergency rule with  
15 twenty-four hours' notice, with opportunity to comment,  
16 provided that the usual rulemaking procedures provided in the  
17 compact and in this subsection shall be retroactively applied  
18 to the rule as soon as reasonably possible, but in no event  
19 later than ninety days after the effective date of the rule.  
20 For the purposes of this provision, an emergency rule is one  
21 that must be adopted immediately in order to do any of the  
22 following:

23 (1) Meet an imminent threat to public health, safety, or  
24 welfare.

25 (2) Prevent a loss of commission or participating state  
26 funds.

27 (3) Meet a deadline for the promulgation of a rule that is  
28 established by federal law or rule.

29 (4) Protect public health and safety.

30 *m.* The commission or an authorized committee of the  
31 commission may direct revisions to a previously adopted rule  
32 for purposes of correcting typographical errors, errors in  
33 format, errors in consistency, or grammatical errors. Public  
34 notice of any revisions shall be posted on the internet site  
35 of the commission. The revision shall be subject to challenge

1 by any person for a period of thirty days after posting. The  
2 revision may be challenged only on grounds that the revision  
3 results in a material change to a rule. A challenge shall  
4 be made in writing and delivered to the commission prior to  
5 the end of the notice period. If no challenge is made, the  
6 revision will take effect without further action. If the  
7 revision is challenged, the revision may not take effect  
8 without the approval of the commission.

9     *n.* No participating state's rulemaking requirements shall  
10 apply under this compact.

11     9. *Oversight, dispute resolution, and enforcement.*

12     *a. Oversight.*

13         (1) The executive and judicial branches of state government  
14 in each participating state shall enforce this compact and take  
15 all actions necessary and appropriate to implement the compact.

16         (2) Venue is proper and judicial proceedings by or against  
17 the commission shall be brought solely and exclusively in a  
18 court of competent jurisdiction where the principal office of  
19 the commission is located. The commission may waive venue and  
20 jurisdictional defenses to the extent it adopts or consents  
21 to participate in alternative dispute resolution proceedings.  
22 Nothing herein shall affect or limit the selection or propriety  
23 of venue in any action against a licensee for professional  
24 malpractice, misconduct, or any such similar matter.

25         (3) The commission shall be entitled to receive service  
26 of process in any proceeding regarding the enforcement or  
27 interpretation of the compact or commission rule and shall have  
28 standing to intervene in such a proceeding for all purposes.  
29 Failure to provide the commission service of process shall  
30 render a judgment or order void as to the commission, this  
31 compact, or promulgated rules.

32     *b. Default, technical assistance, and termination.*

33         (1) If the commission determines that a participating  
34 state has defaulted in the performance of its obligations or  
35 responsibilities under this compact or the promulgated rules,

1 the commission shall provide written notice to the defaulting  
2 state. The notice of default shall describe the default, the  
3 proposed means of curing the default, and any other action that  
4 the commission may take, and shall offer training and specific  
5 technical assistance regarding the default.

6 (2) The commission shall provide a copy of the notice of  
7 default to the other participating states.

8 *c.* If a state in default fails to cure the default, the  
9 defaulting state may be terminated from the compact upon an  
10 affirmative vote of a majority of the commissioners, and all  
11 rights, privileges, and benefits conferred on that state  
12 by this compact may be terminated on the effective date of  
13 termination. A cure of the default does not relieve the  
14 offending state of obligations or liabilities incurred during  
15 the period of default.

16 *d.* Termination of participation in the compact shall be  
17 imposed only after all other means of securing compliance have  
18 been exhausted. Notice of intent to suspend or terminate shall  
19 be given by the commission to the governor, the majority and  
20 minority leaders of the defaulting state's legislature, the  
21 defaulting state's state licensing authority or authorities,  
22 as applicable, and each of the participating states' state  
23 licensing authority or authorities, as applicable.

24 *e.* A state that has been terminated is responsible for all  
25 assessments, obligations, and liabilities incurred through  
26 the effective date of termination, including obligations that  
27 extend beyond the effective date of termination.

28 *f.* Upon the termination of a state's participation in  
29 this compact, that state shall immediately provide notice  
30 to all licensees of the state, including licensees of other  
31 participating states issued a compact privilege to practice  
32 within that state, of such termination. The terminated state  
33 shall continue to recognize all compact privileges then in  
34 effect in that state for a minimum of one hundred eighty days  
35 after the date of said notice of termination.

1     *g.* The commission shall not bear any costs related to  
2 a state that is found to be in default or that has been  
3 terminated from the compact unless agreed upon in writing  
4 between the commission and the defaulting state.

5     *h.* The defaulting state may appeal the action of the  
6 commission by petitioning the United States district court  
7 for the District of Columbia or the federal district where  
8 the commission has its principal offices. The prevailing  
9 party shall be awarded all costs of such litigation, including  
10 reasonable attorney fees.

11     *i. Dispute resolution.*

12     (1) Upon request by a participating state, the commission  
13 shall attempt to resolve disputes related to the compact that  
14 arise among participating states and between participating  
15 states and nonparticipating states.

16     (2) The commission shall promulgate a rule providing for  
17 both mediation and binding dispute resolution for disputes as  
18 appropriate.

19     *j. Enforcement.*

20     (1) The commission, in the reasonable exercise of its  
21 discretion, shall enforce the provisions of this compact and  
22 the commission's rules.

23     (2) By a majority vote, the commission may initiate  
24 legal action against a participating state in default in the  
25 United States district court for the District of Columbia or  
26 the federal district where the commission has its principal  
27 offices to enforce compliance with the provisions of the  
28 compact and its promulgated rules. The relief sought may  
29 include both injunctive relief and damages. In the event  
30 judicial enforcement is necessary, the prevailing party shall  
31 be awarded all costs of such litigation, including reasonable  
32 attorney fees. The remedies herein shall not be the exclusive  
33 remedies of the commission. The commission may pursue any  
34 other remedies available under federal or the defaulting  
35 participating state's law.

1 (3) A participating state may initiate legal action  
2 against the commission in the United States district court for  
3 the District of Columbia or the federal district where the  
4 commission has its principal offices to enforce compliance with  
5 the provisions of the compact and its promulgated rules. The  
6 relief sought may include both injunctive relief and damages.  
7 In the event judicial enforcement is necessary, the prevailing  
8 party shall be awarded all costs of such litigation, including  
9 reasonable attorney fees.

10 (4) No individual or entity other than a participating state  
11 may enforce this compact against the commission.

12 10. *Effective date, withdrawal, and amendment.*

13 a. The compact shall come into effect on the date on  
14 which the compact statute is enacted into law in the seventh  
15 participating state.

16 (1) On or after the effective date of the compact, the  
17 commission shall convene and review the enactment of each of  
18 the states that enacted the compact prior to the commission  
19 convening, who shall be known as charter participating states,  
20 to determine if the statute enacted by each such charter  
21 participating state is materially different from the model  
22 compact.

23 (a) A charter participating state whose enactment is found  
24 to be materially different from the model compact shall be  
25 entitled to the default process set forth in subsection 9.

26 (b) If any participating state is later found to be in  
27 default, or is terminated or withdraws from the compact, the  
28 commission shall remain in existence and the compact shall  
29 remain in effect even if the number of participating states  
30 should be less than seven.

31 (2) Participating states enacting the compact subsequent  
32 to the charter participating states shall be subject to the  
33 process set forth in subsection 6, paragraph "c", subparagraph  
34 (23), to determine if their enactments are materially  
35 different from the model compact and whether they qualify for

1 participation in the compact.

2 (3) All actions taken for the benefit of the commission  
3 or in furtherance of the purposes of the administration of  
4 the compact prior to the effective date of the compact or the  
5 commission coming into existence shall be considered to be  
6 actions of the commission unless specifically repudiated by the  
7 commission.

8 (4) Any state that joins the compact subsequent to the  
9 commission's initial adoption of the rules and bylaws shall be  
10 subject to the commission's rules and bylaws as they exist on  
11 the date on which the compact becomes law in that state. Any  
12 rule that has been previously adopted by the commission shall  
13 have the full force and effect of law on the day the compact  
14 becomes law in that state.

15 *b.* Any participating state may withdraw from this compact  
16 by enacting a statute repealing the state's enactment of the  
17 compact.

18 (1) A participating state's withdrawal shall not take  
19 effect until one hundred eighty days after enactment of the  
20 repealing statute.

21 (2) Withdrawal shall not affect the continuing requirement  
22 of the withdrawing state's licensing authority or authorities  
23 to comply with the investigative and adverse action reporting  
24 requirements of this compact prior to the effective date of  
25 withdrawal.

26 (3) Upon the enactment of a statute withdrawing from this  
27 compact, the state shall immediately provide notice of such  
28 withdrawal to all licensees within that state. Notwithstanding  
29 any subsequent statutory enactment to the contrary, such  
30 withdrawing state shall continue to recognize all compact  
31 privileges to practice within that state granted pursuant to  
32 this compact for a minimum of one hundred eighty days after the  
33 date of such notice of withdrawal.

34 *c.* Nothing contained in this compact shall be construed  
35 to invalidate or prevent any licensure agreement or other

1 cooperative arrangement between a participating state and  
2 a nonparticipating state that does not conflict with the  
3 provisions of this compact.

4 *d.* This compact may be amended by the participating states.  
5 No amendment to this compact shall become effective and binding  
6 upon any participating state until it is enacted into the laws  
7 of all participating states.

8 11. *Construction and severability.*

9 *a.* This compact and the commission's rulemaking authority  
10 shall be liberally construed so as to effectuate the purposes  
11 and the implementation and administration of the compact.  
12 Provisions of the compact expressly authorizing or requiring  
13 the promulgation of rules shall not be construed to limit the  
14 commission's rulemaking authority solely for those purposes.

15 *b.* The provisions of this compact shall be severable, and  
16 if any phrase, clause, sentence, or provision of this compact  
17 is held by a court of competent jurisdiction to be contrary to  
18 the constitution of any participating state, a state seeking  
19 participation in the compact, or of the United States, or  
20 the applicability thereof to any government, agency, person,  
21 or circumstance is held to be unconstitutional by a court of  
22 competent jurisdiction, the validity of the remainder of this  
23 compact and the applicability thereof to any other government,  
24 agency, person, or circumstance shall not be affected thereby.

25 *c.* Notwithstanding paragraph "b", the commission may deny  
26 a state's participation in the compact or, in accordance with  
27 the requirements of subsection 9, paragraph "b", terminate  
28 a participating state's participation in the compact, if it  
29 determines that a constitutional requirement of a participating  
30 state is a material departure from the compact. Otherwise, if  
31 this compact shall be held to be contrary to the constitution  
32 of any participating state, the compact shall remain in full  
33 force and effect as to the remaining participating states and  
34 in full force and effect as to the participating state affected  
35 as to all severable matters.

1 12. *Consistent effect and conflict with other state laws.*

2 a. Nothing herein shall prevent or inhibit the enforcement  
3 of any other law of a participating state that is not  
4 inconsistent with the compact.

5 b. Any laws, statutes, regulations, or other legal  
6 requirements in a participating state in conflict with the  
7 compact are superseded to the extent of the conflict.

8 c. All permissible agreements between the commission and  
9 the participating states are binding in accordance with their  
10 terms.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with  
13 the explanation's substance by the members of the general assembly.

14 This bill establishes the dentist and dental hygienist  
15 compact.

16 The compact establishes a system whereby dentists and  
17 dental hygienists licensed to practice in one member state may  
18 practice in another member state under a compact privilege  
19 without applying for a license in that state. The compact  
20 imposes certain minimum requirements on the licensure of  
21 dentists and dental hygienists in member states. The compact  
22 comes into effect upon adoption by seven states.

23 The compact creates a commission to administer the operation  
24 of the compact. The commission is an instrumentality of the  
25 party states. The compact includes provisions relating to the  
26 establishment and membership of the commission; powers of the  
27 commission; meetings and voting requirements of the commission;  
28 commission bylaws and rules; commission committees; commission  
29 finances; the establishment of a licensure data system;  
30 oversight by member states; compacting state compliance;  
31 venue for judicial proceedings; defense and indemnification;  
32 effective dates and amendments to the compact; withdrawal,  
33 default, and expulsion; severability and construction; and the  
34 binding effect of the compact and other laws.

35 The compact becomes effective upon the adoption of the

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1 compact by the seventh participating state.